

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

BETTY JOHNSON

Complainant,

vs.

PEOPLES GAS LIGHT AND COKE COMPANY

Respondent,

Complaint as to overcharging and
estimated bills in Chicago, Illinois.

No. 02-0452

Chicago, Illinois
October 7, 2002

Met, pursuant to notice.

BEFORE:

Mr. John Riley, Administrative Law Judge.

APPEARANCES:

MS. BETTY JOHNSON
3947 West Polk Street
2nd Floor
Chicago, Illinois 60624
pro se;

MR. PETER BRIGIDA
130 East Randolph Drive
Chicago, Illinois 60601
for the Respondent.

SULLIVAN REPORTING COMPANY, by
FRANCISCO E. CASTANEDA, CSR,
License No. 084-004235

I N D E X

Witnesses: Re- Re- By
DIRECT CROSS direct cross Examiner
NONE.

APPLICANT'S E X H I B I T S In Evidence
For Identification
NONE.

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 No. 02-0452. This is a complaint by Betty Johnson
4 versus Peoples Gas Light and Coke Company complaint
5 as to overcharging and estimated bills in Chicago,
6 Illinois.

7 Could I have the appearances for the record.

8 MR. BRIGIDA: Peter Brigida on behalf of
9 Peoples Gas Light and Coke Company, 130 East
10 Randolph Drive, Chicago, Illinois 60601. Telephone
11 number is (312) 240-4461.

12 JUDGE RILEY: And, Ms. Johnson, you're acting
13 as your own counsel in this matter?

14 MS. BETTY JOHNSON: Yes.

15 JUDGE RILEY: It's my understanding that your
16 address is 3947 West Polk Street in Chicago?

17 MS. BETTY JOHNSON: Yes.

18 JUDGE RILEY: I have a note on my -- on this
19 matter that at our September 9 meeting no progress
20 was really recorded and that Peoples Gas had
21 prepared a spreadsheet of some sort.

22 Mr. Brigida, you've gone over the details with

1 Ms. Johnson?

2 MR. BRIGIDA: Well, did attempt to sit down.
3 Well, we did after the last hearing and go over the
4 spreadsheet. That was not fruitful. We've had one
5 other conversations since that time and that proved
6 not fruitful either.

7 JUDGE RILEY: Well, the only choice that we
8 have then is to go to hearing because I'm not going
9 to set any more status sessions in this matter.
10 We've had three now and it's obvious whatever
11 explanation has been rendered by Peoples has not
12 been to your satisfaction. Is that correct?

13 MS. BETTY JOHNSON: That's correct.

14 JUDGE RILEY: Then our next order of business
15 is to set some sort of a discovery schedule and set
16 a date for hearing where you would come in with
17 whatever documentation and witnesses you have and
18 present your evidence.

19 MS. BETTY JOHNSON: Okay.

20 JUDGE RILEY: And you would be required to go
21 first insofar as you are the complainant. I will
22 help you with the procedure. In the meantime, what

1 information would you exchange?

2 MR. BRIGIDA: Well, it would be numerous types.
3 I would be requesting numerous types of information
4 in terms of payments, types of heating equipment and
5 other gas burning appliances that are located at
6 their home.

7 JUDGE RILEY: Is this going in the nature of
8 data request?

9 MR. BRIGIDA: Absolutely.

10 JUDGE RILEY: Ms. Johnson, do you know what
11 he's saying?

12 That in order for Peoples Gas to defend
13 themselves, they are going to have to know certain
14 information. And what he wants to do is mail you
15 a -- what we call a data request and it's going to
16 be, specifically, a series of questions to which you
17 would respond and it's going to be very basic
18 household type things.

19 Wouldn't it? I wouldn't think anything
20 terribly technical about it.

21 MR. BRIGIDA: No.

22 JUDGE RILEY: What appliances are gas operated

1 and such?

2 MR. BRIGIDA: I would need to know how much gas
3 the appliances could consume, et cetera. It may be
4 something that I'm not sure if she has the
5 experience to determine that. She may need to have
6 a plumber or some other, you know, HVAC contractor
7 to look at that equipment.

8 JUDGE RILEY: Okay. Ms. Johnson, you looked
9 perplexed. I'm not sure that you're following this.
10 I'm a little bit worried here.

11 MS. BETTY JOHNSON: I don't understand. Are
12 they saying that I have to have some specialist come
13 in and look at the appliances?

14 JUDGE RILEY: No.
15 Explain this, please.

16 MR. BRIGIDA: No, what I'm saying is, you're
17 stating that we charged you gas you could not have
18 used in terms of the amount of gas that you used in
19 your home. And what I need to know is the types of
20 appliances you have and basically how much gas they
21 could possibly consume, what their rated for.

22 I don't believe that you'd be able to just look

1 at the appliance and know how much gas it could
2 consume. But a plumber or an HVAC company
3 contractor can take a look at the appliance. It
4 should be listed right on the appliance, what it's
5 rated for. And that's the type of information that
6 I need.

7 JUDGE RILEY: In other words, is Peoples going
8 to send that type of person or are you asking
9 Ms. Johnson --

10 MR. BRIGIDA: We can send that person if she
11 wants.

12 JUDGE RILEY: What they are trying to determine
13 is what appliances you have in your home that are
14 gas operated and how much gas they consume.

15 MS. BETTY JOHNSON: Okay. Is that going to be
16 on me, that I would have to pay for that?

17 MR. BRIGIDA: We could send someone at no
18 charge if she has no objection to that.

19 MS. BETTY JOHNSON: Oh, okay.

20 JUDGE RILEY: This would be over and above
21 other information that you would want to have?

22 MR. BRIGIDA: Yes.

1 JUDGE RILEY: So they are still going to send
2 you a mailing with other questions that they would
3 want you to answer.

4 MS. BETTY JOHNSON: Okay.

5 JUDGE RILEY: And in the meantime, do you have
6 any idea what kind of information you would want
7 from Peoples Gas?

8 MS. BETTY JOHNSON: Well, yes. I would want as
9 far back bills as I could get. I would like that.

10 JUDGE RILEY: The bills -- have you identified
11 the time period in your complaint for the billings
12 you're contesting?

13 MS. BETTY JOHNSON: I'm going back to as far as
14 ten or 15 years. Well, whatever time I can go back.

15 JUDGE RILEY: It says, Please state in your
16 complaint -- okay. In January 2002 you received an
17 estimated bill for over \$1600. I called Peoples and
18 was told this 1600 bill was based on gas bills from
19 1998 and 1999.

20 So it would seem to me that you've made many
21 phone calls to Peoples since this; but you're saying
22 these bills are based on 1998 and 1999. It would

1 seem to me that you're request would go back to
2 January of 1998 -- to the beginning of 1998 or
3 possibly December of 1997.

4 MS. BETTY JOHNSON: I contacted you back when I
5 started call you all originally.

6 JUDGE RILEY: I have no idea when this would
7 be, but your complaint was based on gas bills from
8 1998 and 1999.

9 MS. BETTY JOHNSON: Well, the reason I did that
10 was because that's what they said.

11 JUDGE RILEY: Right.

12 MS. BETTY JOHNSON: But I have been had a
13 complaint and I've been calling them -- well, you
14 all back from at least -- I would say ten years.

15 JUDGE RILEY: Okay.

16 MS. BETTY JOHNSON: But I don't know.

17 MR. BRIGIDA: One thing she can request are the
18 bills, you know, going back to '98. But in terms of
19 the bills that are actually in question, the bills
20 that we are looking at and this Court can make a
21 determination on, I don't believe she can go back
22 July of 2000 since her complaint was filed in July

1 of 2002. We do have statute of limitations.

2 JUDGE RILEY: I'm not 100 percent that that's
3 what it applies to. I have to review the rule. I'd
4 rather not say anything about it right now.

5 The only thing I would say is that if it was
6 Peoples Gas that told her that the 1600 bill was
7 based on gas bills from 1999 and 1998 --

8 MS. BETTY JOHNSON: Well, the billings go back
9 to July 2000 at the time --

10 MR. BRIGIDA: What happened here is --

11 JUDGE RILEY: How do you know that?

12 MR. BRIGIDA: If I may. We basically went to
13 replace a meter at this building and we replaced the
14 meter for the first floor but then began charging
15 Ms. Johnson for that meter. She's on the second
16 floor.

17 And her actual meter, the one that we should
18 have been billing her off stayed in the --
19 registered her usage throughout the time period.
20 Unfortunately, we crossed it with the first floor
21 location.

22 JUDGE RILEY: Right.

1 MR. BRIGIDA: And in July of 2000, that's when
2 we had discovered the error. Actually, it happened
3 in August of 2000 when we discover the error. We
4 went back and balloon billed her for usage through
5 that time of period.

6 JUDGE RILEY: Okay. Let me take five minutes
7 here.

8 (Whereupon, a discussion
9 was had off the record.)

10 JUDGE RILEY: What's the date -- did anybody
11 read the date of the complaint?

12 MR. BRIGIDA: I believe it was July 3rd.

13 JUDGE RILEY: Yeah. Date filed, July 3rd.

14 I double-checked the rule and it is a two-year
15 limitation. Okay. In January 2002 you received a
16 bill and then you waited till July.

17 MS. BETTY JOHNSON: No, I called them -- I was
18 calling them from February the 2nd up until I filed.

19 JUDGE RILEY: Right. No, I understand that.
20 In other words, you attempted to resolve this matter
21 outside of a complaint.

22 MS. BETTY JOHNSON: Well, I had called you

1 all --

2 JUDGE RILEY: That's our consumer services
3 division when you say us.

4 MS. BETTY JOHNSON: Yeah. I called them about
5 the 4th of February, and they told me that they
6 would have to talk with Peoples Gas. Peoples Gas
7 would have to try to solve it.

8 And every time I would call for a formal
9 complaint they would say that Peoples Gas was
10 inspecting and they was working on it.

11 JUDGE RILEY: Okay.

12 MS. BETTY JOHNSON: So that's the reason that I
13 didn't get the formal. But I had requested to file
14 a formal complaint in February after Peoples Gas was
15 constantly saying that it was accurate.

16 JUDGE RILEY: Okay.

17 MS. BETTY JOHNSON: And that's why I wanted to
18 go back further than two years or further to go
19 because I feel like, if they've been billing me --
20 when I first started paying gas -- the whole
21 building was paying for three floors and then it was
22 broke down to one individual.

1 And every time I would get a bill, I would
2 complain that I'm only one person that's paying the
3 bill. It's split up to three units. But they were
4 still ignoring what I was saying and say that this
5 is what it was last year and that's what they always
6 say. That's what they had been.

7 JUDGE RILEY: Okay. What I'm going to do is
8 this: I'm going to accept your representations that
9 as soon as you got that bill in January 2002, you
10 started making inquiries.

11 MS. BETTY JOHNSON: Yeah, I even called Peoples
12 Gas. I have a record of when I called them, who I
13 spoke with.

14 JUDGE RILEY: So I'm going to take it for the
15 seven months or the six months that you waited to
16 file the formal complaint in that matter, you were
17 making efforts outside of the complaint process to
18 resolve this matter; is that correct?

19 MS. BETTY JOHNSON: Yes.

20 JUDGE RILEY: Okay. Counsel, what I'm going to
21 do is I'm going to let the complainant go back to
22 January of 2000 on this.

1 MR. BRIGIDA: I'd object to that.

2 JUDGE RILEY: I understand.

3 MR. BRIGIDA: Again, I think the rules are
4 clear in that a complaint has to be filed within two
5 years of the time the bill was received.

6 Here, we have -- obviously, we can go back to
7 July of 2000, but I would object to going any
8 further back than that.

9 JUDGE RILEY: What I'm worried about is that
10 there may be information germane to her case.

11 MR. BRIGIDA: The information we can provide.
12 It's simply a matter of going back and trying to
13 litigate what the bills prior to July of 2000, which
14 I believe the rules prohibit. Obviously, she can
15 request information going back previous to that time
16 period.

17 MS. BETTY JOHNSON: But, see, when I filed the
18 compliant, I filed the complaint when I got -- the
19 formal complaint was filed in 2002, but that was
20 2002 when I got the bill.

21 But I called the Commission in 2000 of August
22 when they billed me in August for 2000 and 400 some

1 dollars that I had never got a bill. That, I didn't
2 even file a formal complaint. I called the
3 Commission and they talked with Peoples Gas and they
4 came out and resolved it.

5 JUDGE RILEY: Do you have any of this
6 information, any of these old bills yourself? Have
7 you kept any of them?

8 MS. BETTY JOHNSON: I don't have lots of them
9 but I believe I have 2000 but --

10 JUDGE RILEY: Do you have the bills for the
11 year 2000?

12 MS. BETTY JOHNSON: Yeah, I believe I might
13 have those.

14 JUDGE RILEY: That would solve the problem
15 then. I mean, if you have that information, that's
16 precisely what I was concerned about, that you have
17 the bills from the year 2000 that we can -- that you
18 can present this and trace the billing procedure.

19 Now, if you still have those, you can produce
20 those at hearing. Counsel may object. We'll deal
21 with that at the time. But if you have your bills
22 from the --

1 MS. BETTY JOHNSON: I'm going to see can I find
2 them. How far back can I request bills from Peoples
3 Gas?

4 JUDGE RILEY: Well, Peoples Gas is objecting to
5 anything prior to July of 2000.

6 MR. BRIGIDA: We're not objecting to -- let me
7 clarify my position. I'm not objecting to providing
8 her the information. What I'm objecting to is her
9 disputing any of the bills.

10 I don't believe that she has the right to
11 dispute or try to resolve any issues that had
12 occurred before July of 2000 since there is the two
13 year statute of limitations.

14 JUDGE RILEY: Right.

15 MS. BETTY JOHNSON: So I paid for it even if I
16 didn't agree with it. And as I said, I was calling
17 the Commission constantly. It was almost every
18 month I would just get an outstanding bill just like
19 it was off the top of their head.

20 JUDGE RILEY: But according to your complaint,
21 the bill that you're contesting was from January
22 2002.

1 MS. BETTY JOHNSON: Yes.

2 JUDGE RILEY: And you're saying that was based
3 upon prior readings.

4 MS. BETTY JOHNSON: I'm going by what the
5 letter that they sent me saying they was estimating
6 from 1999-'98. But understand, I had been calling
7 and complaining to Peoples Gas for years for the
8 overcharge.

9 JUDGE RILEY: Yeah, I understand that, but this
10 is not what we're talking about here. Is it
11 possible then that you are going to dispute bills
12 prior to July of 2000?

13 In other words, you're disputing Peoples Gas
14 billings going back any number of years then.

15 MS. BETTY JOHNSON: I just want to show a
16 pattern that how they just overcharge.

17 JUDGE RILEY: Okay. Based upon that, I'm going
18 to reverse myself. I think that Peoples Gas is --
19 their position is well-founded.

20 What we should do, let's restrict ourself to
21 the period from July of 2000 till the present time
22 or -- well, till, you know -- through the complaint

1 period, which is July of 2002.

2 MS. BETTY JOHNSON: So even though I can't deal
3 with it -- even though they said '98 and '99, that
4 just can be ruled out?

5 JUDGE RILEY: I don't know what that means. I
6 mean, who told you this? How --

7 MS. BETTY JOHNSON: I have a letter from them
8 saying that.

9 JUDGE RILEY: Produce the letter by all means.

10 MS. BETTY JOHNSON: Oh, you wanted letter now?

11 JUDGE RILEY: Let me see it. I mean, I'm
12 just -- let's go off the record.

13 (Whereupon, a discussion
14 was had off the record.)

15 JUDGE RILEY: I'm still not 100 percent clear
16 on just exactly what the exact time frame is
17 involved here. Counsel, I'm going to go by your
18 complaint.

19 It says in January 2002 you received an
20 estimated bill. If you can produce the letter that
21 says that it goes back -- that it was based on gas
22 bills from '98 and '99, please produce that and I'll

1 take a look at it, but we'll do that at hearing.

2 In the meantime, I'm going to adhere to the
3 rules and regulations that restrict us to a two-year
4 period from the time the complaint was filed.

5 Do you understand now what information, what
6 type of information that Peoples Gas is going to be
7 sending to you?

8 MS. BETTY JOHNSON: No, not really because I'm
9 understanding that I cannot --

10 JUDGE RILEY: Let me rephrase my question. The
11 type of information that Peoples Gas is going to be
12 requesting from you. They were going to send an
13 individual out to examine your appliances.

14 MS. BETTY JOHNSON: Yeah, I have that.

15 JUDGE RILEY: Plus, they were going to send you
16 what we call additional data requests which are just
17 questions that they would like you to answer. There
18 shouldn't be anything technical in there so there
19 shouldn't be any difficulty in answering them.

20 MS. BETTY JOHNSON: Okay.

21 JUDGE RILEY: In the meantime, with the regard
22 to bills between July of 2000 and July of 2002, do

1 you have those or do you need Peoples Gas to provide
2 those to you?

3 MS. BETTY JOHNSON: I need them to provide
4 those to me.

5 JUDGE RILEY: Is Peoples Gas willing to do
6 that?

7 MR. BRIGIDA: We're willing to do that. I'd
8 like to get a written request from her.

9 JUDGE RILEY: Okay. Would that be sent
10 directly to you?

11 MR. BRIGIDA: Yes.

12 JUDGE RILEY: Could you send a letter to
13 Mr. Brigida just requesting those bills --

14 MS. BETTY JOHNSON: Okay.

15 JUDGE RILEY: -- for that time period?

16 MS. BETTY JOHNSON: What I don't understand is,
17 you're saying that I have two years; but it haven't
18 been two years since I filed a complaint. I'm
19 complaining about the bill --

20 JUDGE RILEY: No, the complaint goes back two
21 years. You can only go back two years from the time
22 you filed the complaint, so it's only the billings

1 going back to July of 2002 that fall within that
2 window.

3 MS. BETTY JOHNSON: And I have another
4 question. If I get someone to check the appliances,
5 would Peoples Gas have to pay for that if I get an
6 individual?

7 JUDGE RILEY: If it was someone that you hired
8 to come out there?

9 MR. BRIGIDA: No, we would not --

10 JUDGE RILEY: That would be at your own expense
11 then. But Peoples Gas would be willing to send
12 their own person out if you were willing to accept
13 that person.

14 MS. BETTY JOHNSON: They can send their person.

15 JUDGE RILEY: Okay.

16 MS. BETTY JOHNSON: But if I get my own person,
17 I would have to --

18 JUDGE RILEY: That would be at your own
19 expense.

20 MS. BETTY JOHNSON: Okay. And then if that
21 person shows that I was overcharged and what have
22 you, would they -- they still wouldn't have to pay

1 for it, Peoples Gas?

2 JUDGE RILEY: Right. I'm afraid so. But the
3 other thing is is that if you hired your own
4 individual to come in there and monitor those
5 appliances, you would have to have that person come
6 in and testify also.

7 MS. BETTY JOHNSON: They couldn't send anything
8 in writing?

9 JUDGE RILEY: I don't know if Peoples would
10 accept --

11 MR. BRIGIDA: No.

12 JUDGE RILEY: -- a notarized document or
13 affidavit.

14 MR. BRIGIDA: No. We wouldn't accept that.

15 JUDGE RILEY: Mr. Brigida would have the
16 opportunity to cross-examine that individual. He
17 would have to have that person present so he could
18 ask him his own series of questions about --

19 MS. BETTY JOHNSON: He's not a gas appliance
20 person so how would he know the questions to ask
21 him?

22 JUDGE RILEY: Well, he's going to have staff

1 and technical advisers. He will know. That's why
2 he's here. That's why he's representing Peoples
3 Gas.

4 What it seems to me you may be suggesting is
5 that even if Peoples Gas does send its own person
6 out, you would hire your own person.

7 MS. BETTY JOHNSON: Yeah, because basically
8 they all said the same thing.

9 JUDGE RILEY: Right. Okay. But under any --

10 MS. BETTY JOHNSON: I would let them come.

11 JUDGE RILEY: If you did want to submit
12 evidence of your own person having done that kind of
13 an examination on the appliances, you would have to
14 produce that person at hearing for testimony and
15 they would have to testify to what they know. And,
16 again, that would be Mr. Brigida's privilege to
17 cross-examine.

18 And I do remind you that as complainant, you
19 are going to be required to proceed first in this
20 matter to present all of your evidence with regard
21 to the bill, which I understand is a \$1600 as you've
22 stated in your complaint.

1 Down below you state that you want a refund of
2 \$2500.

3 MS. BETTY JOHNSON: Yeah, because I wanted to
4 present all of the overcharge over the years.
5 That's why I didn't know I couldn't go back further
6 than two years.

7 JUDGE RILEY: That's the problem. So what
8 we're talk about is the \$1600.

9 MS. BETTY JOHNSON: And I would go over the
10 bills that was -- because there's another bill that
11 I have a question as well. It's a 400 and
12 something, but it's since the first one. So I'll
13 present that in hearing.

14 JUDGE RILEY: Okay. How much time do we need
15 for this exchange of -- I'm sorry.

16 MS. BETTY JOHNSON: I have another question.

17 JUDGE RILEY: Go ahead.

18 MS. BETTY JOHNSON: When I spoke with
19 Mr. Brigida Friday, he stated to me after I
20 disagreed with one of his findings is that, Well,
21 you know, we can shut your gas off.

22 MR. BRIGIDA: Let me bring that point out.

1 That's something I did want to get to. Ms. Johnson
2 hasn't paid a gas bill since December of 2001.

3 What I explained to her is under the rules, she
4 has to, one, pay the undisputed portion of her bill
5 or the same amount for the previous year, whichever
6 is less -- or whichever is greater. I'm sorry.

7 And, second, she has to pay her current bills
8 as they become due. She has done neither one of
9 those.

10 JUDGE RILEY: All right. I understand that the
11 disputed portion of a bill is not due pending the
12 resolution of the complaint. Anything that's
13 undisputed is due and owing.

14 Beyond that, that's -- it's not an issue in
15 this hearing. Those are simply what the rules
16 require.

17 MS. BETTY JOHNSON: Okay. The \$400 that I got
18 a month later, I can't. . .

19 JUDGE RILEY: See, this is where, again, I'm
20 confused. You've complained about a \$1600 bill.

21 JUDGE RILEY: But I got another bill since
22 then, since I filed the complaint, that I was --

1 that I'm disputing as well.

2 JUDGE RILEY: Now, was this just for regular
3 monthly gas?

4 MS. BETTY JOHNSON: Yes.

5 JUDGE RILEY: But, Ms. Johnson, you're
6 complaint does not specify any other sum of money.
7 You say you're complaining about it but it's not in
8 here.

9 This is what has got me so confused about this
10 complaint of yours. I mean, I can't sort out what
11 it is that you're actually complaining about. You
12 say you got a \$1600 bill --

13 MS. BETTY JOHNSON: Yes.

14 JUDGE RILEY: -- in January 2002.

15 MS. BETTY JOHNSON: Yeah.

16 JUDGE RILEY: And now I'm finding out there are
17 other sums that you're disputing.

18 MS. BETTY JOHNSON: Yeah, but this came
19 afterwards after I filed a complaint. See, when you
20 said that I had to pay previously bills, then I
21 wanted to elaborate on the previous bill that I've
22 got since I filed the complaint.

1 JUDGE RILEY: I don't know if that should be
2 the subject of a separate complaint or not.

3 MS. BETTY JOHNSON: Well, then if I have file a
4 separate complaint -- whatever I have to do then,
5 I'll do that. And I have disputed with Peoples Gas,
6 but I didn't know that I should have filed a
7 separate complaint.

8 JUDGE RILEY: I don't know either, ma'am. What
9 I'm trying to say is that -- you've said one thing
10 in this complaint and then verbally you've told me
11 you're complaining about subsequent bills. I don't
12 know, is it related to the same thing?

13 MS. BETTY JOHNSON: Well, I can write it out.

14 JUDGE RILEY: All right. The only thing that I
15 see is that -- according to your complaint, the
16 disputed portion of the bill is the \$1600.

17 For all I know, everything else is due and
18 owing. I don't know what the relationship of any
19 subsequent bills is to the bill that you're
20 complaining about. And that's all I can go by, is
21 just what you have complained about here.

22 MS. BETTY JOHNSON: Okay.

1 JUDGE RILEY: So anything else that you
2 dispute, I'm afraid it probably would have to be the
3 subject of a separate complaint. I don't know.

4 MS. BETTY JOHNSON: Okay.

5 JUDGE RILEY: Now, I want to get to the matter
6 of this exchange information, what we call
7 discovery.

8 How much time do you need?

9 MR. BRIGIDA: I can see sending out discovery
10 within two weeks. Responses, I assume, 30 days
11 thereafter; and a hearing --

12 JUDGE RILEY: That will probably take us into
13 December.

14 MR. BRIGIDA: A hearing I'd say, to leave some
15 room just in case there's any discovery issues, 30
16 days after discovery is closed.

17 JUDGE RILEY: All right. Let's -- let me get
18 these dates set. When would your request go out?

19 MR. BRIGIDA: I could probably have something
20 by Monday at the latest.

21 JUDGE RILEY: Ms. Johnson, how soon would you
22 be able to submit a letter to Mr. Brigida requesting

1 the information on those bills? Would you be able
2 to get that out this week?

3 MS. BETTY JOHNSON: Yeah.

4 JUDGE RILEY: Do you have his address?

5 MS. BETTY JOHNSON: Is your address on the
6 card?

7 MR. BRIGIDA: Yes.

8 JUDGE RILEY: Okay. You have the address then.

9 MS. BETTY JOHNSON: Uh-huh.

10 JUDGE RILEY: All right. Assuming the letters
11 go out by the end of this week, we're looking for
12 response in 30 days?

13 MR. BRIGIDA: Yes.

14 JUDGE RILEY: Okay. So it will take us to,
15 let's say, November 8, data requests are due -- the
16 response of the data request are due.

17 JUDGE RILEY: What do we need after the
18 responses are due?

19 MR. BRIGIDA: Do we want to just set a hearing
20 data at that point?

21 JUDGE RILEY: That's what I would think. Maybe
22 it is going to take us December.

1 How much time do you think that we're going to
2 need just to assess the responses?

3 Ms. Johnson, you're going to have two years of
4 bills to coordinate. Could you do that -- could you
5 get prepared, do you think, in two weeks after you
6 get all the bills that you need from Peoples Gas?

7 MS. BETTY JOHNSON: Yeah.

8 JUDGE RILEY: Okay.

9 MR. BRIGIDA: I'd like just a little bit more
10 time just to leave time in case there are discovery
11 issues.

12 JUDGE RILEY: Okay. Well, you think 30 days
13 after?

14 MR. BRIGIDA: That's fine.

15 JUDGE RILEY: I might as well -- we might as
16 well take it to after Thanksgiving anyway. I would
17 not want to try and do this Thanksgiving week
18 certainly.

19 What about December 5, Thursday, for hearing?

20 MR. BRIGIDA: That should be fine.

21 JUDGE RILEY: That's approximately 30 days. Is
22 that all right.

1 MS. BETTY JOHNSON: Yeah, that's fine.

2 JUDGE RILEY: And, again, that will be for
3 hearing.

4 MR. BRIGIDA: What time will that be?

5 JUDGE RILEY: 10:00 a.m.

6 Again, Ms. Johnson, do you understand where
7 we're going here now? Is that sometime by the end
8 of this week, you're going to receive a written
9 request from Peoples Gas for certain information.

10 And you'll also be coordinating with
11 Ms. Johnson to send an individual out from Peoples
12 to examine the appliance?

13 MR. BRIGIDA: Yes.

14 JUDGE RILEY: They'll be in touch with you
15 about that.

16 MR. BRIGIDA: I suggest that we put a deadline
17 date for that. I say we get that done within two
18 weeks. That should leave me enough time to get the
19 information; and also if she'd like to have copies
20 of those requests -- or findings, she can ask for
21 those also.

22 JUDGE RILEY: Say again. I didn't quite follow

1 that. You want a deadline.

2 MR. BRIGIDA: I'd like a deadline so that, one,
3 we have a firm date by this individual can come out.

4 Second, that will allow me to process the
5 information he receives. And, third, if Ms. Johnson
6 would like to request a copy of the information he
7 provides me, she can get a copy of that also.

8 JUDGE RILEY: Okay. I'm pretty sure you want
9 that. What's -- in other words, Peoples Gas is
10 going to send an individual out to your home to do
11 the examination of the appliances as they had
12 indicated. And Mr. Brigida wants -- simple wants to
13 set a deadline for that person to come out.

14 Three weeks, two weeks, a month?

15 MR. BRIGIDA: Three weeks is fine.

16 JUDGE RILEY: Three weeks. So make that by
17 Friday, November 1st.

18 So let me recap, t he data requests and your
19 letter to Mr. Brigida are going to go out by the end
20 of this week and you'll make respective requests to
21 each other.

22 Sometime on or about November 1st, Peoples Gas'

1 representative will be out at your residents to do
2 the appliance examination.

3 You are entitled to request a copy of whatever
4 information that individual furnishes to
5 Mr. Brigida. And on November 8, the following
6 Friday, the responses to all of the data requests
7 that have been sent back and forth will be due.

8 So you're answers have to be with Peoples and
9 Peoples has to furnish you with the bills by that
10 time, that information that you requested.

11 And I'd like to also mention that if you know
12 of any other information that falls within the
13 two-year period to which you feel you're entitled,
14 you can include that in your request. It's not just
15 bills. It's anything else you may think that you
16 may need.

17 MS. BETTY JOHNSON: Okay.

18 JUDGE RILEY: You know, correspondence, memos,
19 anything like that that you may be aware of. You
20 mentioned a letter that you had gotten from Peoples
21 Gas. If you think that's relevant, you can request
22 it.

1 MS. BETTY JOHNSON: Okay.

2 JUDGE RILEY: But those responses are due by
3 November 8 and that gives you approximately 30 days
4 to accomplish that. And then on December 5 at
5 10:00 a.m., that's a Thursday, we will reconvene.

6 MS. BETTY JOHNSON: December what?

7 JUDGE RILEY: December 5.

8 MS. BETTY JOHNSON: Okay.

9 JUDGE RILEY: And that will be at 10:00 a.m.
10 and we'll convene at hearing then. And, again, I
11 remind you that you would be obligated to proceed
12 with your case first, being the complainant.

13 Is there anything further from Peoples Gas?

14 MR. BRIGIDA: I'd just like to reiterate that,
15 again, Ms. Johnson hasn't paid any bills since
16 December 2001. And if she does not comply with the
17 requirements, we may go out there and turn her off.

18 JUDGE RILEY: I understand that the only thing
19 that would be of relevance to this hearing is that
20 disputed portions are not due pending the resolution
21 of the complaint. Any undisputed portions are not
22 part of this complaint and are outside the scope of

1 this proceeding.

2 So, Ms. Johnson, I just want to make sure you
3 understand. Do you know where we are right now with
4 the exchange of information, the hearing date, that
5 kind of thing?

6 MS. BETTY JOHNSON: Okay. And I have a
7 question. The disputed bill that he's speaking
8 about that I haven't paid, do I have to pay the
9 whole?

10 JUDGE RILEY: I don't know this. See, this
11 is -- again, I said this is outside the scope of
12 this proceeding.

13 MS. BETTY JOHNSON: Okay.

14 JUDGE RILEY: This is between you and Peoples.
15 It's something I cannot deal with. All I know is
16 that the undisputed -- the disputed portion of the
17 bill will not be due and owing until there's a
18 resolution of your complaint.

19 MS. BETTY JOHNSON: Well, do I have to wait
20 until this hearing is over before I can file a
21 complaint about the one that I spoke to you earlier
22 about, the \$400?

1 JUDGE RILEY: I don't believe so, no. It's
2 something separate. I think you can file that, if
3 you want to.

4 Do I have your phone number?

5 MS. BETTY JOHNSON: Yes.

6 JUDGE RILEY: Okay. Counsel, do you have any
7 objection to me finding an answer to that question
8 and calling her?

9 MR. BRIGIDA: No.

10 JUDGE RILEY: Okay. Let me see if can find out
11 more specific information because it just hasn't
12 come up before. That's an issue I haven't dealt
13 with before and I'd have to check the rules.

14 See, what I cannot tell is whether or not this
15 other disputed bill you have is related somehow to
16 the bill that you've complained of here.

17 Now, if it is related, I don't know how we
18 can -- in other words, I don't know how we can
19 establish that, and it just throws a fly into the
20 ointment here that I can't sort out.

21 MS. BETTY JOHNSON: Well, to me, it is because
22 it's overestimated and actual reading have been

1 proven not to be actual readings. But as you said,
2 I'll wait till the hearing and file another
3 complaint.

4 JUDGE RILEY: Okay. Let me find out. Let me
5 make sure of one thing. I have (773) 826-3842.

6 MS. BETTY JOHNSON: Yes.

7 JUDGE RILEY: Okay. That's the number then.
8 Let me get an answer to your question if I can.

9 MS. BETTY JOHNSON: Okay. Thank you.

10 JUDGE RILEY: Was there anything further?

11 MS. BETTY JOHNSON: No.

12 JUDGE RILEY: Then we've been over everything
13 several times, and I will leave it at this, that we
14 will recess here and we will reconvene for hearing
15 on December 5 at 10:00 a.m.

16 (Whereupon, further proceedings
17 in the above-entitled matter
18 were continued to December 5,
19 2002, at 10:00 a.m.)

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